THE NORTH CAROLINA GENERAL ASSEMBLY

Overview of the Structure, Legislation and Process of North Carolina's Legislature

UNC SCHOOL OF GOVERNMENT

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Resources

- General Assembly: www.ncleg.net
- School of Government Legislative Reporting Service (Daily Bulletin and bill digests): http://lrs.sog.unc.edu/index.php
- School of Government Legislative Summaries: http://lrs.sog.unc.edu/lrs/legislative-summaries
- NC League of Municipalities *LeagueLINK:* www.nclm.org/legislative-advocacy/involved/Pages/default.aspx
- NC Association of County Commissioners Legislative Information: www.ncacc.org/legislativeinfo.htm

The North Carolina General Assembly

House of Representatives Chamber

Senate Chamber

I. Structure of the North Carolina General Assembly[1]

Laws of North Carolina, known as statutes, are made by the General Assembly. The North Carolina General Assembly is made of two bodies: the Senate, which has 50 members, and the House of Representatives, which has 120 members. Each legislator represents either a Senatorial District or a House District, and serves a two-year term. All 170 members of the General Assembly stand for reelection every even-numbered year.

The General Assembly meets in regular session beginning in January of each odd-numbered year (called the "Long Session"), and adjourns to reconvene the following even-numbered year for a shorter session (called the "Short Session). Typically, the Short Session is convened in May. When the General Assembly is not convened in regular session, it may meet in a "Special Session" to consider extraordinary or emergency matters that require immediate attention.

During the regular session, the Senate and the House of Representatives generally meet in their respective chambers on Monday evenings and during the day on Tuesday, Wednesday, and Thursday. The members return to their homes on Thursday afternoon or Friday to take care of their affairs and be available to their constituents. During the week, committee meetings are held in the morning and late afternoon. A great deal of the legislative work is done in the committee meetings.

[1] This manuscript contains information derived from the General Assembly's website: www.ncleg.net.

The House of Representatives is presided over by a Speaker, elected from its membership. The presiding officer of the Senate (called the President of the Senate) is the Lieutenant Governor of the State. She/he has no vote in the Senate except to break a tie. The Senate and House also elect other officers from their respective memberships including a President Pro Tempore in the Senate.

At the beginning of each session, the President Pro Tempore of the Senate and the Speaker of the House of Representatives appoint members to serve on the standing committees of each body. There will be a dozen or more committees for each body, and their work is very important, as every bill introduced will be considered by at least one committee in the Senate and in the House of Representatives. Every legislator serves on several committees.

Both the Senate and the House elect a Principal Clerk who is responsible for keeping the necessary records of the body. Each also has a Sergeant at Arms, who serves as "police officer" for that body and whose assistants act as doorkeepers while the body and its committees are meeting. A third officer is the Reading Clerk who reads all documents or parts thereof which the constitution, rules, or the presiding officer require to be read during the daily session.

II. Types of Statutes

By following proper procedures and observing Constitutional limitations, the General Assembly can create new law, amend existing law, or repeal old law. The laws enacted by the General Assembly may be classified in five general categories:

Laws regulating individual conduct
These laws prohibit certain acts or require certain acts by an individual in order to promote the interests of society generally. These laws include criminal statutes that prohibit or require certain conduct and impose penalties for violations such as fines, imprisonment, or both. These laws also include regulations governing licensed professions and occupations as well as businesses.

Laws providing for services by the State
These laws authorize and direct services provided by the State. These services include public and higher education, hospital and health services, agricultural and industrial research, public facilities, and many others.

Laws empowering or directing local governments to act
Cities, counties, and other types of local governmental units and political subdivisions of the state are subject to State control. This control is generally exercised through the General Assembly by laws authorizing or directing the local units to take certain actions or vesting them with specific authorities.

Laws determining how much money shall be raised by the State and for what purposes it shall be spent

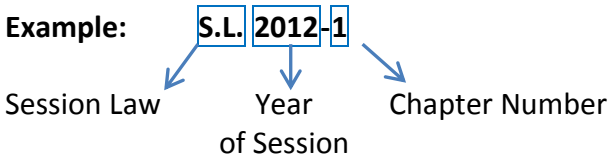
When the General Assembly enacts the revenue and appropriations bills, it makes two determinations: (1) how much of the resources of the people of the State shall be taken for purposes of government, and (2) which governmental services and purposes shall have priority in the competition for available funds.

Amendments to the State Constitution

The General Assembly may propose amendments to the State Constitution. If an act to amend the Constitution is approved by at least three-fifths of the total membership of each house, the proposal is then submitted to the voters of the whole State. If a majority of the voters approve it, the proposed amendment becomes part of the State Constitution.

III. Types of Acts and Bills

An act of the General Assembly is legislation (a bill) that has been enacted into law. Bills are proposed acts. After it becomes law, the term "bill" is no longer used. The enrolled act or law is given a chapter number and is published under that number in a volume called "Session Laws of North Carolina," literally the laws enacted during each session of the General Assembly. Once an act is enrolled (or becomes law), it is assigned a chapter number within the Session Laws in numerical order based on the chronological order in which the act or law was enrolled (i.e., the first act or law enrolled during the session is Chapter 1, the second is Chapter 2, etc.):



Acts and bills may be classified in three general categories:

Public Act

Legislation enacted into law that applies to the public at large, affecting 15 or more counties. A bill that proposes a public act is referred to as a “public bill.”

Local Act

Legislation enacted into law that has limited application, affecting fewer than 15 counties. A bill that proposes a local act is referred to as a “local bill.”

Resolution

Legislation that honors state institutions and deceased persons, adjourns sessions, establishes certain procedures for both chambers (such as setting the date and time for joint sessions in inviting certain dignitaries to address joint sessions), and rules of procedure for the Senate and

House. The subject matter of resolutions is limited by the rules of the Senate and House. A simple resolution is one adopted by only one chamber; a joint resolution is adopted by both chambers.

IV. How a Bill Becomes Law

Constitutional Requirements

A bill must satisfy certain requirements under the North Carolina Constitution in order to become law:

(1) It must be read three times in each chamber

(2) It must be approved by both chambers

(3) If the bill is subject to consideration by the Governor, it must be signed (or not vetoed) by the Governor. If the Governor does not sign or veto a bill within ten days after it has been presented to him/her, the bill automatically becomes law (the ten day period is extended to 30 days if the bill is presented to the Governor after the General Assembly has adjourned).

Outlined below is the procedural process for a bill's movement through the General Assembly:

Drafting Bills

A bill is a proposed change to the general statutes. The Legislative Services Commission's Bill Drafting Division drafts bills at the request of the members of the General Assembly. The Office of the Attorney General has the statutory duty to draft bills for the State departments and agencies generally, including the General Assembly. Thus, legislators have two separate offices to which they may turn for drafts of bills.

Introduction of Bills

Only a member of the General Assembly may introduce a bill - that is, present it to the General Assembly for its consideration - and that member is called the bill's introducer or primary sponsor.

In the course of chamber business during each daily session, the presiding officer announces "Introduction of Bills and Resolutions." A member wishing to introduce a bill has already filed the bill with the Principal Clerk on the previous legislative day, and when the bill is filed, it receives a bill number. The Reading Clerk reads aloud the name of the introducer, the bill number, and the bill title. At this point the bill has passed its constitutionally required *first reading.*

Referral to Committee

Normally, when a bill is introduced, the Chair of the Rules and Operations of the Senate Committee for Senate bills and the Speaker of the House of Representatives for House bills name a committee to which the bill will be assigned for consideration. If the committee approves the bill, it reports this fact and the bill is placed on the calendar - the daily schedule of business - for consideration by the full membership of the body. Changes to the bill may be recommended by the committee (in the form of amendments or a committee substitute), or may be proposed by any member from the floor (in the form of an amendment).

Consideration by First Chamber

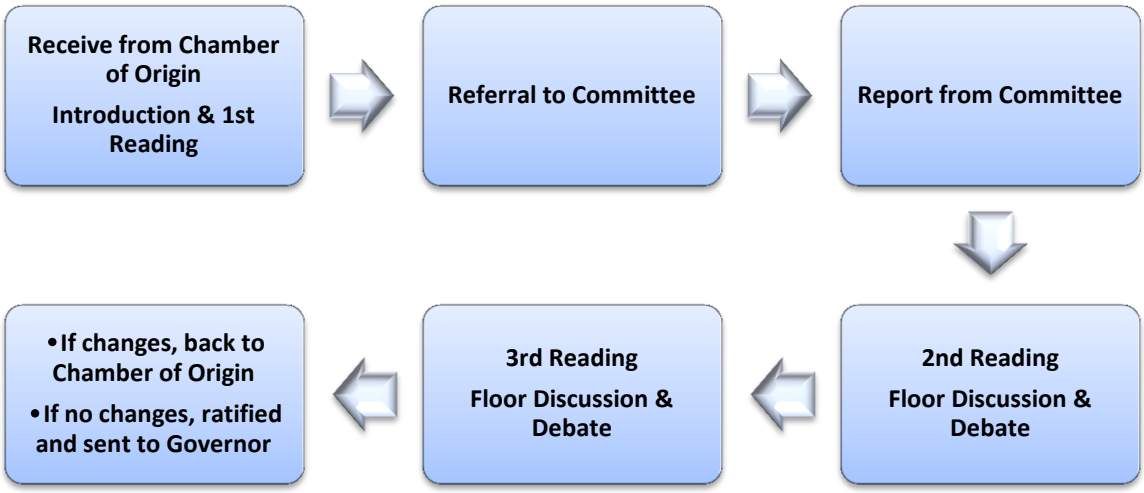
When the time comes for the bill to be considered by the full membership of the chamber (Senate or House of Representatives), the presiding officer will recognize the sponsor of the bill or the chair of the committee which recommended the bill for passage. That member will explain the bill and any member who wishes to speak for or against the bill or offer an amendment has the opportunity to do so if recognized by the presiding officer. Sometimes there is lengthy debate; sometimes there is virtually no debate at all. At the conclusion of discussion and debate on the bill, a vote is taken. If the vote is favorable, the bill is said to have passed its constitutionally required *second reading* and moves to its constitutionally required *third reading*. Discussion and debate can sometimes occur on the bill's third reading.

Bill Action in First Chamber

Consideration by Second Chamber

After a bill has passed its third reading in the chamber in which it was introduced, it is sent to the other chamber, where it goes through the same process - it is referred to committee, and if approved, is debated and voted on at the second and third readings on the floor.

Bill Action in Second Chamber

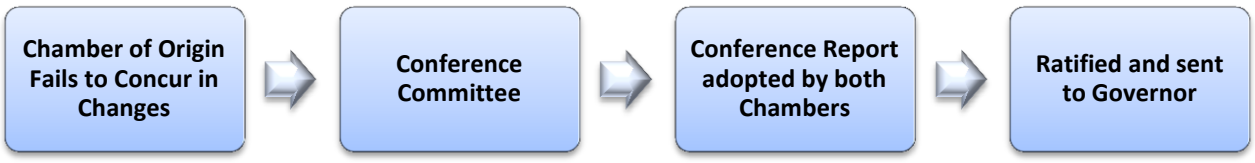


Concurrence / Conference

It often happens that the second chamber will make changes in a bill which was passed by the first chamber. In such cases the bill must be returned to the chamber of origin with a request that that body concur in the changes. If the chamber of origin does concur, the bill is ready to be enrolled and signed into law.

If the chamber of origin objects to the amendments or committee substitute adopted in the second chamber, the two presiding officers may appoint members from each body to a conference committee which seeks to reconcile the differences between the two versions of the bill. If the committee can agree upon the differences, the committee reports to each chamber and the two chambers vote on the recommended text. If either chamber rejects the conference committee's recommendation, new members to the conference committee may be appointed to try again; otherwise, the bill is defeated.

Bill Action in Conference



Enrollment, Ratification, and Publication

After a bill passes both chambers, it is enrolled. A clean copy, including all amendments, is prepared, with space for the signatures of the two presiding officers, and the governor, if necessary. The enrolled copy is taken to each presiding officer during the daily session. Each presiding officer signs the enrolled copy. When the second signature is affixed, the bill is said to have been ratified. If the bill is a local act, it becomes law at that point.

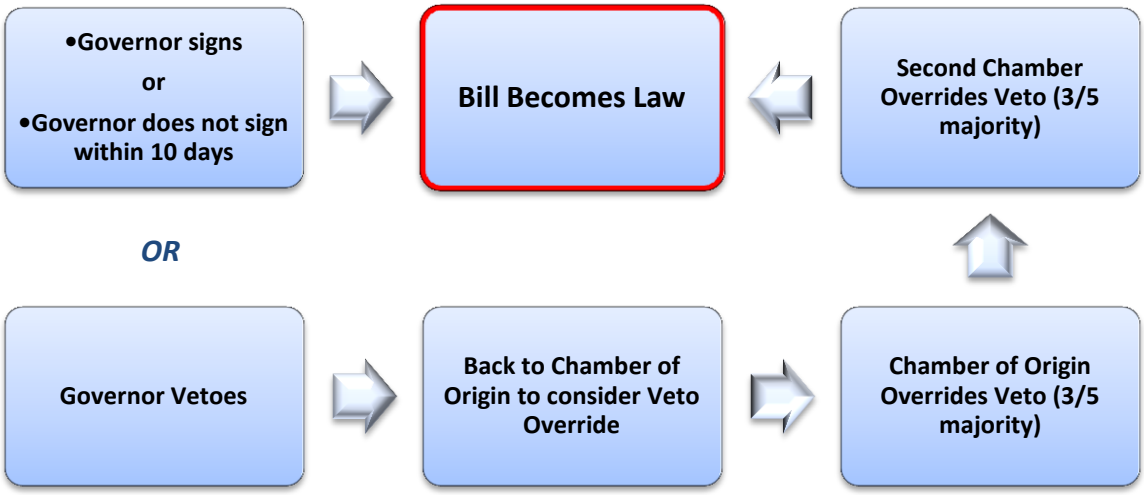
Gubernatorial Consideration (Veto)

In November 1996, the citizens of North Carolina voted to amend the State Constitution to allow for a gubernatorial veto (Section 22 of Article II of the North Carolina Constitution). All public bills *other than* bills making appointments, proposing constitutional amendments, or revising districts are presented to the Governor on the day following ratification for the Governor's approval or veto. Local bills and resolutions are not subject to consideration by the Governor and automatically become law upon ratification.

If the Governor signs the bill or takes no action on the bill within ten days after presentation, the bill becomes law. After adjournment of the General Assembly, the Governor has 30 days to act on a bill. The Governor is required to reconvene the General Assembly if a bill is vetoed after adjournment unless a majority of the members of both chambers sign a written request to the Governor stating that it is not necessary to reconvene.

If the Governor vetoes a bill, the bill is returned to the chamber of origin where three-fifths of the members present and voting can vote to override the veto. If the chamber of origin votes to override the veto, the bill is sent to the second chamber where three-fifths of the members present and voting must also vote to override the veto before the bill can become law. If both chambers approve the override by the required three-fifth majority, the bill becomes law. If not, the Governor's veto stands.

Bill Action by the Governor



V. Local Acts

Process for Local Bills

Local bills are those affecting fewer than 15 counties. They are considered by the General Assembly under the same process and rules as public bills. A member (or members) of the legislative delegation representing the unit(s) of local government requesting the local bill will serve as the bill sponsor. During the Short Session, the House and Senate Rules typically require a statement from the unit's entire legislative delegation that the subject matter of the local bill is non-controversial.

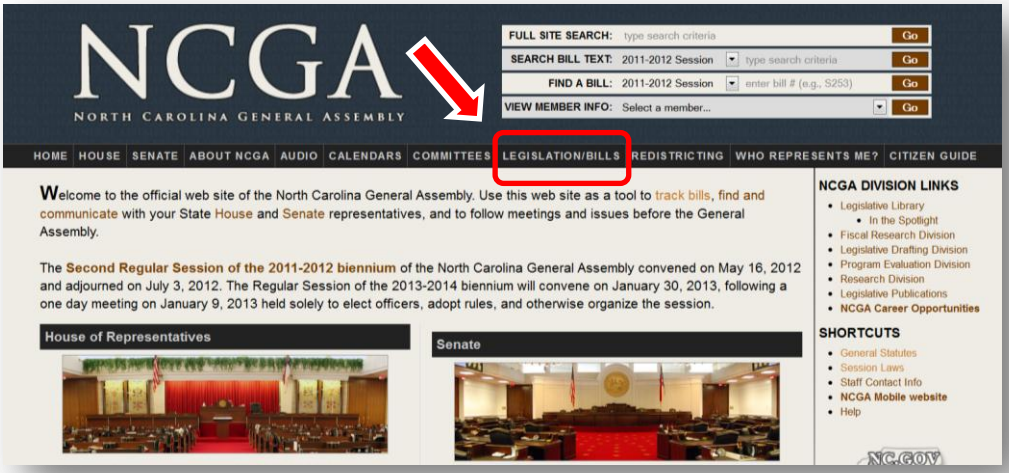
Constitutional Limits on Local Acts

Article II, Section 24 of the North Carolina Constitution limits what subject matters can be addressed by local act. Any local act enacted in violation of this constitutional provision is void.

The subject matters that are constitutionally prohibited from consideration in a local bill are:

(1) Relating to health, sanitation, and the abatement of nuisances;
(2) Changing the names of cities, towns, and townships;
(3) Authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys;
(4) Relating to ferries or bridges;
(5) Relating to non-navigable streams;
(6) Relating to cemeteries;
(7) Relating to the pay of jurors;
(8) Erecting new townships, or changing township lines, or establishing or changing the lines of school districts;
(9) Remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury;
(10) Regulating labor, trade, mining, or manufacturing;
(11) Extending the time for the levy or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability;
(12) Giving effect to informal wills and deeds;
(13) Granting a divorce or securing alimony in any individual case; and
(14) Altering the name of any person, or legitimating any person not born in lawful wedlock, or restoring to the rights of citizenship any person convicted of a felony.

VI. Finding Bills on the General Assembly Website



General Bill Searches

The General Assembly provides several options for finding bills and enacted legislation. For general bills searches, go to the General Assembly website (www.ncleg.net), click on "Legislation/Bills" and choose one of the following search options:

- **Bill Look-Up:** Use this option when you know the bill number.
- **Full Text Search or Bills by Keyword:** Use these options when you do not know the bill number but know content.
- **Bill Inquiry:** Use this option to search using multiple criteria. Ex. multiple criteria like bills by committee and/or bills by sponsor and/or bills by action date.
- **Simple Bill Inquiry:** Use this option to search using one criterion. Ex. single criterion like bills by sponsor.

Local Acts Affecting a Local Jurisdiction

The General Assembly website also provides an option to search for local acts enacted during the current and previous sessions. To find session laws affecting a particular local jurisdiction:

1. Click on "Legislation/Bills" on the General Assembly website (www.ncleg.net)
2. Click on "Simple Bill Inquiry"
3. Choose Session (ex: "2011-2012")
4. Choose "County" under query options (bills affecting municipalities will be listed under the county in which the municipality is located)
5. Select your county from the dropdown box
6. Click "Search"